Supreme Court, U.S.
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IN THE

Supreme Court of the United States

October Term of 1974

No. 74-338

DEREK THOMAS AKRIDGE,

Petitioner,

vs.

ANTHONY BARRES, CHIEF OF POLICE, AND THE CITY OF NEWARK,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF NEW JERSEY

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Opinions Below

The opinion of the Supreme Court of the State of New Jersey is reported at 65 N.J. 266 and 321A. 2d 230; the decision of the Appellate Division of the Superior Court of New Jersey is reported at 122 N.J. Super. 476 and 300A. 2d 866;* the decision of the Chancery Division of the Superior Court of New Jersey is reported at 118 N.J. Super. 557 and 289A. 2d 270. The opinions of the lower courts are set forth in Appendices A, B and C hereto.

* According to New Jersey practice, the opinions of appellate courts in the State are self-executing and no separate judgment is entered after the rendering of an opinion. Accordingly, the opinions set forth in Appendices A and B are the final judgments of the courts below.

Jurisdiction

The opinion of the Court below was entered on June 26, 1974.

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1257(3) and 2101(c).

Questions Presented

Whether the New Jersey Supreme Court erred in failing to require the City of Newark at a hearing on the trial level to demonstrate the existence of a compelling state interest which would justify the infringement by Special Order No. 71-15 of petitioner's constitutional rights.

Whether the New Jersey Supreme Court, in holding that a police force in many respects constitutes a military organization, erred in thereby denying petitioner, as a policeman, any constitutional rights including those of free expression and personal liberty.

Whether the New Jersey Supreme Court erred in sustaining the validity of Special Order No. 71-15 as against petitioner's claims of infringement of his constitutional rights of free expression and personal liberty under *Pickering* v. *Board of Education*, 391 U.S. 563 (1968).

Constitution and Regulation Involved

The relevant provisions of the United States Constitution involved in this suit are Amendment 1, Amendment 9 and Amendment 14, Section 1. These provisions are set forth in Appendix D. The relevant regulation is Special Order No. 71-15 of the Newark Police Department promulgated on March 23, 1971. The Regulation is set forth in Appendix C [pages C-1 through C-4].

This Petition seeks review of a Judgment of the Supreme Court of the State of New Jersey, filed June 26, 1974, affirming (two justices dissenting) a Judgment of the Appellate Division of the Superior Court of New Jersey upholding the validity and constitutionality of Special Order No. 71-15.

Statement of Case

On March 23, 1971, respondent, the Newark Police Chief, adopted Special Order No. 71-15 [Appendix C] which sets the standards of appearance for hairstyles and facial hair growth worn by Newark police officers.

Petitioner Akridge, a black Newark policeman, refused to comply with the provisions of the Order insofar as they dealt with the "bushiness of his hair, the length of his sideburns and the extent of growth of his mustache," claiming that the Order infringed his constitutional rights of free expression and personal liberty and that the Order would impede his effectiveness as a policeman in working with and relating to members of the black community who predominated in the district to which he was assigned (49-51a)*

Petitioner filed a Complaint in the Chancery Division of the Superior Court of New Jersey on April 27, 1971, challenging the validity of the Special Order. 65 N.J. at 271, 321 A. 2d at 233. Preliminary relief was denied pending the completion of administrative procedures of the Newark Police Department. On May 10, 1971, plaintiff was tried before the Police Director of the City of Newark on charges of violating certain provisions of the Order. 118 N.J. Super. at 560, 289 A. 2d at 272.

* Page numbers ending in "a" refer to the transcript of the Administrative Hearing (Disciplinary Hearing) before John L. Redden, Police Director.